

February 27, 2004

Assistant Commissioner of Patents
Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Method and apparatus for providing ***advertising*** linked to a scene of a program

US File # **20020059590** Filed: May 9, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020059590**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level. The inventor refers to a traditional client/server system as a "computer system" presumably residing in a settop box connected to a television. Within this system, he builds and stores (0008) a database containing a plurality of advertisements dynamically retained at the client terminal and triggered by user content selections or interactions passively reactive to other resident programs (program guide) (Claim 4) The system is described in paragraphs (0008) (0010) and others.

The abstract reads in part, "On-demand electronic advertising information is provided for items used in scenes of television programs. The advertising information is received along with broadcasts of associated television programs. Selected advertisement modes alert a viewer when advertising information is available for an item displayed in a scene of the television program broadcast. The viewer alert comprises displayed marks superimposed over the broadcast of the television program."

Selecting a channel or show on television which is the equivalent to a URL into a browser locator window that makes a match with an advertising database maintained at the client system in the remotely controlled and updated database (0008) and in the event a match is made by comparing, an appropriate advertisement is displayed (0010) or inserted into the video stream even superimposing over the existing TV display.

Relevant Claims are 3, 5, 8, 12, 26, 46 and others. Basing ad display upon program selection comparisons, demographics or time is no different than

selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet, both are electronic communication networks.

This is referred to as "pull" advertising as a voluntary action (channel or content selection) on the part of a user interacts with a pre-established client advertising database and a targeted ad is displayed.

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing correlating to the internet and only some vague references to server profiling systems. The filers are correct that a targeted system based on program selection or content is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following prior art references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 5/9/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.





